

DT15 Rec'd PCT/PTO JUN 27 2002

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)		Application Number	09/462,962			
		Filing Date	January 14, 2000			
		First Named Inventor	JACKSON, STEPHEN PHILIP			
		Group Art Unit	1742			
		Examiner Name				
Total Number of Pages in This Submission		14	Attorney Docket Number	MEWE-010		
<b>ENCLOSURES (check all that apply)</b>						
<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 33%;"> <input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Documents  <input type="checkbox"/> Response to Missing Parts/Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53         </td> <td style="vertical-align: top; width: 33%;"> <input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input checked="" type="checkbox"/> Petition  <input checked="" type="checkbox"/> Statement by Inventor  <input checked="" type="checkbox"/> Consent of Assignee  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____         </td> <td style="vertical-align: top; width: 33%;"> <input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):            1. Communication            2. Copy of Declaration            3. Copy of Notification from PTO            4. Return Receipt Postcard         </td> </tr> </table>				<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input checked="" type="checkbox"/> Statement by Inventor <input checked="" type="checkbox"/> Consent of Assignee <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Communication 2. Copy of Declaration 3. Copy of Notification from PTO 4. Return Receipt Postcard
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input checked="" type="checkbox"/> Statement by Inventor <input checked="" type="checkbox"/> Consent of Assignee <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Communication 2. Copy of Declaration 3. Copy of Notification from PTO 4. Return Receipt Postcard				
Remarks						
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>						
Firm or Individual Name	PAMELA J. SHERWOOD, Reg. No. 36,677					
Signature						
Date	June 20, 2002					

<b>CERTIFICATE OF MAILING</b>			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: June 20, 2002.			
Typed or printed name	Susan M. Alessi		
Signature		Date	June 20, 2002

Burden Hour Statement: This form is estimated to take .2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

**Complete if Known**

Application Number	09/462,962
Filing Date	January 14, 2000
First Named Inventor	JACKSON, STEPHEN PHILIP
Examiner Name	
Group Art Unit	1742
Attorney Docket No.	MEWE-010

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

**METHOD OF PAYMENT**

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit overpayments to:  
 Deposit Account Number **50-0815**  
 Deposit Account Name **Bozicevic, Field & Francis LLP**  
☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17  
☐ Applicant Claims small entity status.  
 See 37 CFR 1.27

2. ☐ Payment Enclosed:
☐ Check ☐ Credit Card ☐ Money Order ☐ Other
**FEE CALCULATION****2. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

**SUBTOTAL (1)****1. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee from below	Fee Paid
24 -20**	=	x	=
Indep. Claims 5-3**	=	x	=
Multiple Dependent	=	=	=

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2) \$**

\*\*or number previously paid, if greater; For Reissues, see above.

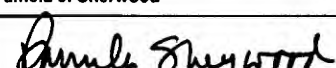
**FEE CALCULATION (continued)**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examination action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner 1.17 (i)	130.00
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	For each additional invention to be examined (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$ 130.00)****SUBMITTED BY****Complete (if applicable)**

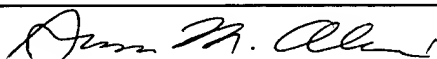
Name (Print/Type)	Pamela J. Sherwood	Registration No. (Attorney/Agent)	36,677	Telephone	(650) 327-3400
Signature				Date	06/20/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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07/02/2002 BY PYPAGH 00000133 500815 09462962

01 FC:122

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Typed or Printed Name	Susan M. Alessi		
Signature		Date	June 20, 2002

<b>COMMUNICATION</b>  Address to: Box PCT Commissioner for Patents Washington, D.C. 20231	Customer Number	24353
	Application Number	09/462,962
	Confirmation Number	5713
	Filing Date	January 14, 2000
	First Named Inventor	JACKSON, STEPHEN PHILIP
	Examiner Name	
	Group Art Unit	1742

Sir:

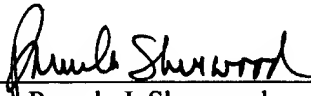
In response to the attached Notification from the PCT Legal Office, Applicants herein submit, in accordance with the Notification, the following:

1. A submission under 37 C.F.R. 1.497(d) requesting correction of the inventors to delete David Phillip Lane;
2. Statement by deleted inventor David Phillip Lane;
3. Consent of Assignee

Applicants respectfully submit that the Requirements under 35 U.S.C. 371 are fulfilled.

Respectfully submitted,  
BOZICEVIC, FIELD & FRANCIS LLP

Date: June 20, 2002

By:   
 Pamela J. Sherwood  
 Registration No. 36,677

BOZICEVIC, FIELD & FRANCIS LLP  
 200 Middlefield Road, Suite 200  
 Menlo Park, CA 94025  
 Telephone: (650) 327-3400  
 Facsimile: (650) 327-3231

MAY 14 2002



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MAY 20 2002

Bozicevic, Field & Francis

COPY

Pamela J. Sherwood  
BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road Suite 200  
Menlo Park, California 94025

In re Application of  
JACKSON et al.  
Application No.: 09/462,962  
PCT No.: PCT/GB98/02115  
Int. Filing Date: 16 July 1998  
Priority Date: 16 July 1997  
Attorney Docket No.: MEWE-010  
For: INTERACTION OF ATM, ATR OR DAN-  
PK WITH P53

NOTIFICATION

QA  
PS  
The above-captioned application is before the Legal Affairs Division of the PCT Legal Office for consideration of issues arising under 35 U.S.C. 371.

**BACKGROUND**

On 16 July 1998, applicants filed international application no. PCT/GB98/02115 which claimed a priority date of 16 July 1997, and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 28 January 1999. The international application named David Phillip Lane; Byron Hann; Stephen Jackson; Nicholas David Lakin and Graeme Cameron Murray Smith as applicants/inventors. Byron Hann was deleted as applicant/inventor under PCT Rule 92bis. A Demand was filed with the International Preliminary Examining Authority electing the United States. As a result, the deadline for entry into the national stage in the United States expired 30 months from the priority date, on 17 January 2000. (16 January 2000 was a Sunday.)

On 14 January 2000, applicant filed a Transmittal Letter (Form PTO-1390) for entry into the national stage in the United States which identified the international application as PCT/US98/02115. Accompanied the transmittal letter, applicant included: (1) an information disclosure statement; (2) an unexecuted declaration; (3) a preliminary amendment; and (4) a check in the amount of \$1404 (\$840 as the basic national fee, \$18 for additional total claim, and \$546 for seven additional independent claims).

On 17 March 2000, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a one-month time limit in which to respond.

05/21/02  
DOCKETED

Missing Requirements 07/24/02  
L.D. 12/14/02  
[Signature]

On 10 April 2000, applicant filed a second Transmittal Letter accompanied by an executed declaration identifying the international application as PCT/GB98/02115. The declaration was executed by: Stephen Jackson; Nicholas David Lakin; and Graeme Cameron Murray Smith.

On 26 April 2000, a Notification of Acceptance was issued identifying the 35 U.S.C.102(e) and 371(c) date as 10 April 2000. Subsequently, an Official Filing Receipt was issued indicating a "FILING DATE" of 10 April 2000 and indicating that "this application is a 371 of PCT/US98/02115." The Notification of Acceptance and Official Filing Receipt were vacated on 08 June 2001.

On 30 May 2000 and 07 March 2001, applicant filed a "Request for Corrected Filing Receipt." In a decision dated 08 June 2001, applicants' request was dismissed without prejudice. Applicants were notified that the Transmittal Letter (Form PTO-1390) submitted by applicants misidentified the international application number as PCT/US98/02115. Based on applicant's error, a national stage application file was created for PCT/US98/02115, rather than for PCT/GB98/02115 and the application was abandoned for failure to pay the basic national fee prior to the 30 months from the priority date.

On 25 June 2001, applicant filed "Request for Reconsideration or in the Alternative Petition for Revival under 37 C.F.R. 1.137(a) or in the Alternative (B)." The petition was granted under 37 CFR 1.137(b) in a Decision dated 27 November 2001.

On 06 December 2001, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495" (Form PCT/DO/EO/903) which set forth a 35 U.S.C. 371 completion date of 10 April 2000.

### DISCUSSION

A review of the application file and other Patent and Trademark Office records reveals that the requirements of 35 U.S.C. 371(c) for entry into the national stage in the United States of America have not been completed as indicated in the Notification of Acceptance mailed by the DO/EO/US on 31 January 2000. Specifically, the oath or declaration requirement under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America does not name and has not been executed by inventor, David Phillip Lane. As such, the 06 December 2001 Notification of Acceptance of Application was erroneously mailed by the DO/EO/US and must be vacated.

### CONCLUSION

Accordingly, the 06 December 2001 Notification of Acceptance of Application is hereby VACATED.

Applicant must submit either: 1) a submission under 37 CFR 1.497(d) requesting correction of the inventors named in the international application to delete David Phillip Lane, or (2) a new declaration naming and signed by: David Phillip Lane; Stephen Jackson;

Nicholas David Lakin and Graeme Cameron Murray Smith accompanied by an acceptable explanation of the misnaming of the inventor on the present declaration, or (3) a showing that a 92bis change regarding David Phillip Lane was made prior to the National stage filing.

A proper response, as discussed above, must be filed within **TWO (2) MONTH** of the date of mailing of this notification. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.



Leonard Smith  
PCT Legal Examiner  
PCT Legal Office



Anthony Smith  
Attorney-Advisor  
PCT Legal Office  
Telephone: (703) 308-6314  
Facsimile: (703) 308-6459

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Typed or Printed Name *Susan M. Alessi*

Signature

*Susan M. Alessi*

Date

*June 20, 2002*

Petition to Correct Inventorship 37 CFR § 1.497(d) Address to: Assistant Commissioner for Patents Washington, D.C. 20231	Attorney Docket	MEWE-010
	First Named Inventor	Stephen Philip Jackson
	Application Number	09/462,962
	Filing Date	January 14, 2000
	Group Art Unit	1742
	Examiner Name	
	Title: <i>Interaction of ATM, ATR or DAN-PK with p53</i>	

Sir:

Applicants herewith request a correction of inventorship in the above identified patent application, under 37 C.F.R. 1.497(d). The inventive entity was set forth in error in an executed § 1.63 oath or declaration in the present nonprovisional application. Such error arose without any deceptive intention on the part of the persons named as an inventor in error.

Applicants have provided:


- a statement from each person being deleted as an inventor, that the error in inventorship occurred without deceptive intention on his or her part;
- an oath or declaration by the actual inventor or inventors as required by § 1.63;
- the written consent of the assignee.

It is hereby requested that David Phillip Lane be deleted as inventor.

The Commissioner is hereby authorized to charge the processing fee under § 1.17(i) to  
Deposit Account No. 50-0815.

Respectfully submitted,

Date: June 20, 2002

By:   
Pamela J. Sherwood, Ph.D.  
Registration No. 36,677

BOZICEVIC, FIELD & FRANCIS LLP  
200 Middlefield Road, Suite 200  
Menlo Park, CA 94025  
Telephone: (650) 327-3400  
Facsimile: (650) 327-3231



CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.			
Typed or Printed Name		Susan M. Alessi	
Signature		<i>Susan M. Alessi</i>	Date 06-20-2002
<b>Statement by Inventor DAVID PHILLIP LANE under 37 CFR § 1.497(d) Inventor Being Deleted</b>  Address to: Assistant Commissioner for Patents Washington, D.C. 20231		Attorney Docket	MEWE-010
		First Named Inventor	Jackson et al.
		Application Number	09/462,962
		Confirmation Number	5713
		Filing Date	June 25, 2001
		Group Art Unit	1742
		Examiner Name	
		Title	INTERACTIONS OF ATM, ATR OR DNA-PK WITH P53

- 1) I, David Phillip Lane, was named as a co-inventor of the invention set forth in the claims of the above-referenced application.
- 2) I was erroneously named as an inventor in the above-referenced application. The inventorship error occurred without any deceptive intent on my part.
- 3) I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date:

13/6/2002

By:

David Phillip Lane

David Phillip Lane

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.			
Typed or Printed Name		Susan M. Alessi	
Signature		Susan M. Alessi	
		Date	06-20-2002
<b>Consent of Assignee to Change Inventorship in Application under 37 CFR § 1.497(d)</b>  Address to: Assistant Commissioner for Patents Washington, D.C. 20231		Attorney Docket	MEWE-010
		First Named Inventor	Jackson et al.
		Application Number	09/462,962
		Confirmation Number	5713
		Filing Date	June 25, 2001
		Group Art Unit	1742
		Examiner Name	
		Title	INTERACTIONS OF ATM, ATR OR DNA-PK WITH P53

KuDos Pharmaceuticals, Limited is the Assignee of the entire right, title and interest in the above referenced application by virtue of an assignment from the original inventors to KuDos Pharmaceuticals, Limited, recorded on June 1, 2000, at Reel 010866, Frame 0756.

KuDos Pharmaceuticals, Limited hereby agrees to the change on inventorship in the above-referenced application to delete David Phillip Lane as an inventor in the above referenced application as requested in the accompanying petition.

The undersigned, whose title is indicated below, is empowered to execute this statement on behalf of the assignee.

Date: June 17, 2002

Name: JOHN HARRIE WARD

Title: CHIEF EXECUTIVE OFFICER

Signature: [Signature]